

FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
C.A. No.1546 of 2005
In
Writ Petition No.4003 of 2002

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Office Notes, Office Memoranda of : Court's or Judge's orders.
coram, appearances, Court's orders :
or directions and Registrar's :
orders. :
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Mr.V.C.Ghosalkar for petitioner.
Mr.N.V.Walawalkar with
Mr.G.H.Keluskar for res.Nos.1 & 2.
Mr.Y.G.Gangan for res.No.3.

**CORAM : H.L. GOKHALE &
SMT.R.S.DALVI, JJ.**

DATED : 15th July 2005

P.C. :

1. Heard the learned Counsel
for the parties.

2. This Civil Application
prays that respondent No.2-Uran
Municipal Council be directed to
execute the agreement for the
concerned shop in the fish market
only with the applicant. Now, it
so transpires that respondent No.3
also has an interest in this very
shop. He is brother of the
applicant. He has filed an
affidavit stating that he is

agreeable for an appropriate arrangement with the applicant. Counsel for the applicant and respondent No.3 both have stated that the applicant and respondent No.3 are agreeable that the concerned shop No.4 be divided by an internal partition wall. Their joint request is that respondent Nos.1 and 2 should permit putting up of such a partition wall. They will put it up at their own expenses and in view of the strained relations between both of them, that should be permitted by respondent Nos.1 and 2. They also pray that the bills for the shop be also split.

3. As far as putting up of the partition wall is concerned, the Municipal Council is directed to tolerate it. The applicant and respondent No.3 will apply for splitting of the bills to the Municipal Council. If such an

application is made, the same will be considered by the Municipal Council in accordance with law. We expect the Municipal Council to consider the application sympathetically since both the brothers are approaching the Municipal Council and this should not be so difficult for the Municipal Council. The applicant and respondent No.3 will enter into an appropriate agreement as assured by both the Counsel. The Counsel for the applicant and respondent No.3 state that the shop is having frontage of 10 ft. and, therefore, the wall will be constructed at the centre of it so that both the brothers get the frontage of 5 ft.

4. In view of the above, the Civil Application stands disposed of.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)